

REMARKS

This amendment is offered in response to the Office Action of January 22, 2004.

Claim 5 has been amended as suggested in the first numbered paragraph of the Office Action.

The Office Action rejected Claims 1-3 under 35 U.S.C. §103(a) as obvious over the Shoda reference (U.S. Patent No. 5,177,801) in view of the Aksyuk reference (U.S. Patent No. 6,173,105). Similarly, the Office Action rejected Claims 4-9 under 35 U.S.C. §103(a) as obvious over the Shoda reference in view of the Aksyuk reference and further in view of the Blackington reference (U.S. Patent No. 4,376,566).

The Shoda reference discloses a cross fader with merely optical indicators. Similarly, the Aksyuk reference discloses an optical waveguide which is a completely different application from either the Shoda reference or the present invention. There is nothing in the cited prior art, alone or in combination, to disclose or suggest "a first optocoupler ... a second optocoupler ... and a shutter means with a range of travel, wherein at a first position in said range of travel, said shutter means is inserted into said first space thereby at least attenuating said first signal, and wherein at a second position in said range of travel, said shutter means is inserted into said second space thereby at least attenuating said second signal".

Moreover, the Shoda reference, in using the terms "PGM" and "PST", apparently discloses a video editing mixer.

Furthermore, it is respectfully submitted that the Blackington reference discloses an optical switch with an "on" and an "off" position, and apparently has no disclosure of "wherein intermediate positions within said range of travel continuously vary attenuation of said first signal and said second signal, wherein movement of said shutter means in a first direction

increases said first fraction while decreasing said second fraction and wherein movement of said shutter means in a second direction, opposite to said first direction, decreases said first fraction while increasing said second fraction" as recited in Claim 3 (upon which Claims 4-9 ultimately depend).

It is therefore respectfully submitted that the prior art rejections are overcome.

The Applicant respectfully acknowledges that Claims 10 and 11 have been found to include allowable subject matter. However, the Applicant respectfully wishes to defer any consideration of possible rewriting of these claims in independent form until after the above arguments have been considered.

Moreover, the additional prior art cited by the Examiner has been reviewed but is not considered any more pertinent than the references applied against the claims by the Examiner and distinguished herein.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,


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